



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection
FROM: Kurt Tidd, Bureau of Air Quality
SUBJECT: Prime Tanning Company, Inc
DATE: December 21, 2006

*** **

Statutory and Regulatory References:

Department Regulations Chapters 115 and 140 authorizes the Department to impose reasonable and appropriate license conditions to ensure compliance with emission standards, regulations or orders. Prime Tanning Company, Inc. operates its leather finishing facility under the terms and conditions of Air Emission License A-376-70-A-I.

Location:

Berwick, Maine

Description:

Prime Tanning Company Inc. violated requirements of its Air Emissions License. These violations include the late submittal of their Title V License renewal and exceeding their Hazardous Air Pollution (HAP) limit as required by their Air Emissions License and Federal Regulation.

Environmental Issues:

The Department relies on the licensing of facilities to ensure compliance with State Laws and Regulations. Through the licensing process, the Department is able to control the amount and types of pollutants that are emitted to the ambient air within the State.

Department Recommendation:

Staff recommends approval of the Consent Agreement which requires Prime Tanning Company to comply with the requirements of Department Regulations Chapter 140 and Air Emissions License A-376-70-A-I and provides for Civil Penalties in the amount of \$51,000.00. The penalty was a negotiated settlement based on the Air Bureau's penalty assessment guideline.

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF:

PRIME TANNING COMPANY, INC.) ADMINISTRATIVE CONSENT
YORK COUNTY) AGREEMENT
BERWICK, MAINE)
A-376-70-A-I)

This Agreement by and among Prime Tanning Company, Inc ("Prime"), the Maine Board of Environmental Protection (Board) and the State of Maine Attorney General is entered into pursuant to 38 M R S A § 347-A, and in accordance with the Department of Environmental Protection's (DEP) Consent Agreement Policy (amended 1/10/90)

The parties agree as follows:

1. Prime Tanning Company, Inc is a corporation which is organized and exists under the laws of the State of Maine and is authorized to do business in Maine Prime operates a leather tanning and finishing operation at its facility in Berwick
- 2 The violations described herein occurred at 20 Sullivan Street Berwick, Maine, with legal title to the properties in the name of Prime Tanning Company, Inc
3. During times relevant to this Agreement, Prime was subject to Maine's Protection and Improvement of Air laws (Air Act), 38 M R S A § 581 et seq and Maine's air quality rules (Air Rules), 06-096 CMR 100 et seq
- 4 Throughout the period of time addressed in this agreement, Prime was subject to Maine's Rule 06-096 CMR 140, *PART 70 AIR EMISSION LICENSE REGULATIONS*, which contains condition (3)B, which states in relevant part;

(3) Renewal of a Part 70 License and the Initial Part 70 Licenses

B. Schedule

- (1) If the applicant is applying for a renewal of a Part 70 license, an application must be submitted at least six (6) months, but no earlier than eighteen (18) months prior to the date of expiration of the Part 70 license

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- 5 Prime Tanning's Air Emissions License A-376-70-A-I expired on April 26, 2005. Prime's renewal application was accepted for processing on April 25, 2005. This is a violation of Maine's Rule 06-096 CMR 140, *PART 70 AIR EMISSION LICENSE REGULATIONS*, condition (3)B which requires a renewal application for a Title V source be submitted six (6) months prior to the license expiration date.
- 6 Throughout the period of time addressed in this agreement, Prime was subject to Air Emissions License Amendment A-376-70-C-A which contains condition (3)A, K and L which state in relevant part;
- (3) Prime shall meet the following applicable requirements per the National Emissions Standards for Hazardous Air Pollutants for Leather Finishing Operations: [40 CFR Part 63, Subpart TTTT]
- A. Prime shall be in compliance with the requirements of 40 CFR Part 63 Subpart TTTT by February 28, 2005
- K Prime shall determine the compliance ratio for each month
- The compliance ratio is Actual HAP loss / Allowable HAP loss where the Actual HAP loss is determined in accordance with 40 CFR 63 5335 and the Allowable HAP loss is determined in accordance with 40 CFR 63 5340
- L Prime shall maintain the compliance ratio at or below 1.00
1. If the compliance ratio is less than or equal to 1.00, the source is in compliance
2. If the compliance ratio is greater than 1.00 the source is deviating from compliance
- 7 Prime met with the Department on December 6, 2005 to report that, due to an error in its HAPs usage tracking system, it had exceeded its monthly HAPs limit beginning March 2005. Prime stated in this meeting that it expected to return to compliance with the monthly limit that month (December 2005) and with the 12 month rolling average ratio by March of 2006.
8. Records provided by Prime to the Department document that Prime exceeded the compliance ratio of 1.00 from March of 2005 through March of 2006 on a twelve month rolling basis. This is in violation of Air Emissions License Amendment A-376-70-C-A conditions (3) A, K and L cited above.
- 9 Department Staff issued a Notice of Violation (NOV) to Prime on June 19, 2006 for the violations described in paragraphs five (5) and eight (8).

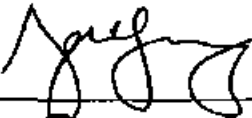
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- 10 By the conduct described in paragraphs five (5) and eight (8), Prime violated Maine's Rule 06-096 CMR 140, *PART 70 AIR EMISSION LICENSE REGULATIONS* and Air Emissions License Amendment A-376-70-C-A, condition (3)A, K and L
- 11 In order to resolve the violations identified in this Agreement, Prime agrees to pay to the Treasurer, State of Maine immediately upon signature of this Agreement a civil monetary penalty in the amount of Fifty One thousand dollars (\$51,000.00) for the violation listed in paragraphs five (5) and eight (8) of this Agreement.
- 12 The Board of Environmental Protection and the office of the Attorney General grant a release of their cause of action against Prime Tanning Company, Inc for the specific violation listed in paragraphs five (5) and eight (8) of this Agreement on the express condition that the civil monetary penalty listed in paragraph eleven (11) of this agreement is paid. The release shall not become effective until all requirements of this Agreement are satisfied.
- 13 Non-compliance with this Agreement voids the release set forth in paragraph twelve (12) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S. A § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies
- 14 Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.
15. The provisions of this Agreement shall apply to, and be binding on, the parties, their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement

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IN WITNESS HEREOF the parties hereto have executed this Agreement of four (4) pages

PRIME TANNING COMPANY, INC.

BY:  Nov. 30, 2006
Title Executive Vice Pres. DATE

BOARD OF ENVIRONMENTAL PROTECTION

BY _____
Matthew Scott, Chair DATE

SEEN AND AGREED TO, STATE OF MAINE

BY _____
Gerald Reid, Assistant Attorney General DATE